

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARCUS M. BRIM,

Plaintiff,

Case No. 2:10-CV-64

v.

HON. GORDON J. QUIST

PRISON HEALTH SERVICES, et al.,

Defendants.

ORDER

The Court has before it Petitioner's Objections to the Magistrate Judge's unsigned Report and Recommendation filed on June 9, 2010.¹ In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made.

The Court concludes that the report and recommendation should be rejected because the Magistrate Judge did not fully consider Plaintiff's complaint and attached exhibits. In his report and recommendation, the Magistrate Judge states that "Plaintiff's allegations regarding his injury are somewhat vague and conclusory." However, as Plaintiff notes in his Objections, his Complaint and attached exhibits provide sufficient detail regarding Plaintiff's claim. In his Complaint, Plaintiff states that on August 2, 2009, he injured his knee while playing basketball. (Compl. ¶ 9.) This injury "rendered him unable to get in and out of bed and unable to walk well." (*Id.*) Although

¹ Plaintiff argues that the date on the Report and Recommendation, "February ___, 2005," renders the Report and Recommendation null and void. While this date is an error, the Court is more concerned with the substance of the Report and Recommendation.

Plaintiff submitted several requests for medical treatment, Plaintiff alleges that those appointments were canceled, he has not seen a doctor since the injury, and he is still in pain. (*Id.* ¶¶ 11-16.) These allegations show that Plaintiff may have sustained a severe injury and not received any medical treatment. Therefore, the Court will reject the Magistrate Judge's Report and Recommendation and remand the case for further consideration. Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (docket no. 9) is **REJECTED**, and this matter is **remanded** for further consideration consistent with this Order.

IT IS FURTHER ORDERED that Defendants shall respond to Plaintiff's motion within twenty-one (21) days.

Dated: September 15, 2010

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE